

REMARKS

Claim 18 has been amended to require that the composition obtained by the mixing step required previously is stored for a period of at least one week. Claims 19 and 20 specify longer periods of storage (3 weeks and 8 weeks respectively). Support for the limitation to claim 18 and for new claims 19 and 20 is found in Tables 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 all of which show that a hypohalite composition in which a compound as specified in claim 18 is present has improved stability both as to halogen content and rheology as compared with prior art reference compositions after storage for a period of one week as well as after storage for longer periods.

It is submitted that as amended, claim 18 is clearly distinguished from the teaching of WO 97/45523. This document teaches the combination of *inter alia* 4-hydroxy-2,2,6,6-tetramethylpiperidine-N-oxyl (TEMPOL) and a hypohalite in an aqueous solution for cleaning apparatus used in the production of foodstuffs. In the passage bridging pages 3 and 4, it is stated that the method is most preferably carried out by contacting an aqueous solution of ... TEMPOL ...and the hypohalite in water with the contaminated apparatus.

The aqueous solution of TEMPOL and hypohalite in water are clearly separate materials that are combined at the point of use. There is no suggestion that the hypohalite and the TEMPOL should have coexisted in a liquid mixture for a period of at least a week prior to use. WO 97/45523 therefore clearly does not teach all of the limitations of the present claims and so cannot constitute an anticipation under 35 USC 102(b).

Similarly US 6,524,348 (Jewell) does not constitute an anticipation under 35 USC 102(e). This document mentions TEMPOL as one of a number of nitroxides that may be used in combination with a hypohalite for addition to a paper-making slurry. Premixing is noted at column 5 lines 47 -48. The purpose of the addition of the mixture to the slurry is to carry out a first oxidation of cellulose fiber in the slurry. There is not the slightest suggestion that any mixture of hypohalite and TEMPOL should remain unused for a week or more. The period of use is indicated as being up to 10 hours after which the cellulose is washed and then re-slurried (column 5 lines 55 - 60). At no stage therefore will hypohalite and TEMPOL be present in the same liquid composition for a week.

Having regard to the allegation of obviousness over a combination of Ambuter (US 6,083,422) and WO 97/45223, this again fails. As the examiner notes, Ambuter does not refer to any hindered amine, let alone TEMPOL. WO 97/45223 does not refer to any period of storage. There is no way that a combination of these references can be said direct one towards an invention requiring both of these features. There is in any case no reason why one skilled in the art would have had any reason to combine the teachings of the two documents. The purpose of Ambuter is to produce thicker hypohalite compositions. There is no reason to believe that one seeking to clean food processing equipment would have desired "thick" cleaning compositions. The technique suggested is either dynamic or static and there is no suggestion that different compositions should be used depending on the cleaning technique used. (See page 5). One does not normally desire thick compositions when one has to force a cleaning liquid through a piece of apparatus since this reduces the ability of the cleaner to achieve a good flow rate of cleaning composition through the apparatus.

It is therefore submitted that the combination of Ambuter and WO97/45223 does not make the claimed invention obvious and that the invention as claimed complies with therequirements of 35 USC 103(a).

Having regard to the rejection of claims 17 and 18 as being anticipated by WO 99/15256, this again fails to teach the storage of a composition for a period of at least one week. The only teaching of a composition containing hypohalite and TEMPOL is that the two can form an advantageous oxidation system for cleaning membrane filters. There is not the slightest suggestion that the two materials should be stored in the same liquid composition for at least one week. This document does not therefore anticipate either of the claims in question under 35 USC 102(b).

The final rejection is of claim 9 as being obvious over WO 99/15256.. As just noted, WO 99/15256 does not teach storage of any composition, let alone that specified by the applicants for any period of time. Claim 9 is dependent on claim 18 and therefore requires a storage step. In the absence of anything pointing towards storage or increased stability in WO 99/15256, it cannot be said to render obvious the invention as now claimed.

In view of the foregoing, it is submitted that this application is now in order for allowance and an early action to this end is respectfully solicited.

Respectfully submitted,



John Richards

LADAS & PARRY LLP

26 West 61st. Street

New York, New York 10023

Reg. 31053

Tel. (212) 708-1915